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August 21, 2018

VIA ECF

Client: 19624-00020

The Honorable Lewis A. Kaplan
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Chevron Corp. v. Donziger, et al.*, Case No. 11 Civ. 0691 (LAK)

Dear Judge Kaplan:

I respectfully write as counsel for Chevron Corporation (“Chevron”) regarding Donziger’s latest, belated request for an extension of time (Dkt. 2075). Notwithstanding the clear directive of this Court that he execute the two documents ordered, without elaboration or subterfuge, Donziger again has requested an eleventh hour extension for his compliance. In so doing, Donziger repeats prior argument and, without any sworn declaration, suggests an “ethical” dilemma regarding the relinquishment of his contingent fee arrangement to the victim of his misconduct. But the argument lacks merit because Donziger cannot circumvent the RICO Judgment—it “forbids him from benefitting in any way from the Ecuadorian judgment that he obtained by fraud,” and “[h]is surrender of his right, title and interest” in Amazonia and his contingent fee are among the several “specific means by which the judgment seeks to ensure that result.” Dkt. 2006 at 8; *see also* Dkt. 2072 at 5-8. And while Donziger suggests that his claimed international travels (he does not even say when he left or where he is) provide him some excuse for non-compliance, that argument also is baseless. In fact, he does not even promise that when he gets back to the United States he will comply with the Court’s order, just that he will think about it some more. The obfuscation and delay tactics—which now also include a failure to respond to Chevron’s motion to compel filed on Thursday, August 16 by yesterday’s deadline (Dkt. 2073)—must end, and Donziger’s extension request should be denied.

As always, we appreciate the Court’s consideration.

Respectfully,

/s/ Randy M. Mastro
Randy M. Mastro

cc: All Counsel of Record (via ECF)